

INTRODUCTION

I.1 Background

“Non-point source water pollution” or, as it is now more commonly called “polluted runoff,” is a term which describes all those things which are carried from land by rainwater into streams and oceans. Pollution of this type especially impacts the State of Hawaii and its citizens. Since the State’s longest stream, Kaukonahua, is only 33 miles in length and rain usually falls in torrential bursts, nature provides very little chance for this type of pollution to settle out before it impacts the surface and groundwater we drink, the streams and coastal waters we fish and play in, and all the life in and uses of those streams and coastal waters.

Hawaii’s Implementation Plan for Polluted Runoff Control is both a culmination of the planning that the State of Hawaii has done in past years for polluted runoff control and, at the same time, the first five-year plan for implementation of activities to be undertaken by State and county agencies, federal agencies, and Hawai`i’s citizens to control polluted runoff.

Polluted runoff is a major cause of water quality degradation nationwide; therefore, the activity in Hawaii is designed not only to respond to Hawaii’s problems but also to meet federal requirements. Table I-1 summarizes the statutes and documents which set forth federal requirements and the resulting State planning documents and activities. Appendix A-1 gives a brief synopsis of each document and full text for some of them.

Two State agencies – the Department of Health, Environmental Management Division, Clean Water Branch, Polluted Runoff Control Program (PRC) and Department of Business, Economic Development, and Tourism, Office of Planning, Coastal Zone Management Program (CZM) – are charged with implementing polluted runoff control in the State of Hawaii.

As Table I-1 shows, the Department of Health’s involvement began nearly thirty (30) years ago; it was more focused by the 1987 Clean Water Act amendments, which resulted in publication of *Hawaii’s Nonpoint Source Pollution Management Plan* in 1990. A statutory basis for the Department of Health’s polluted runoff control activities was established with the adoption of “Nonpoint Source Pollution Management and Control,” Chapter 342E, Hawaii Revised Statutes (HRS). When the CZM Program was established in 1977, it included water quality in its objectives and policies (HRS 205A-2).

The passage of the Coastal Zone Act Reauthorization Amendments (CZARA) in 1990 resulted in expansion of the polluted runoff control activities of both agencies. CZARA directed the water quality agency and the coastal zone management agency of each state with a federally approved coastal zone management program to implement the program within the “CZARA boundary.” In Hawai`i that boundary was determined to be coterminous with the State’s coastal zone management area, which covers “all lands of the State and the area extending seaward from the shoreline to the limit of the State’s police power and management authority, including the United States territorial sea.”¹.

1 Hawaii Revised Statutes. (1993 as amended). Chapter 205A-1, “Definitions”

I.2 Development of Hawaii's Implementation Plan for Polluted Runoff Control

Table I-1 gives the “genealogy” of the *Implementation Plan*. The draft *Implementation Plan* (circulated for public comment in October 1999) was a further development of *Hawaii's Nonpoint Source Management Program Update – Draft* that DOH-PRC submitted to the Environmental Protection Agency. The *Update* was modified based upon input received from public information meetings for, and written responses to, *Hawaii's Nonpoint Source Management Program Update* (Preliminary Draft, July 1999) (DOH 1999e) and various other contacts. The draft *Implementation Plan* included “State Implementing Strategies and Plans” (Chapter 6) for the six categories of management measures developed in a federal guidance to implement Section 6217 of CZARA. As noted in the Glossary, “management measures” are economically achievable measures for the control of pollutants from existing and new categories and classes of nonpoint sources of pollution providing the greatest degree of pollutant reduction achievable through the application of “best management practices” (BMPs).

I.3 Public Review Processes for Hawaii's Implementation Plan for Polluted Runoff Control

I.3.1 Distribution and Public Meetings

Five hundred (500) copies of the draft *Implementation Plan* were distributed through a variety of means. Copies were sent to members of the Marine and Coastal Zone Management Advisory Group (MACZMAG) and the Polluted Runoff Forum (PROF); see Appendix B for lists. They were also distributed to all 50 public libraries and to persons responding to the notices of the public information meetings, as well as being distributed at the public meetings and at various stakeholder meetings.

Twenty-one (21) public information meetings introducing the draft *Implementation Plan* were held in October and November 1999. Eleven (11) public meetings were held on O`ahu; five (5) on Hawai`i Island, two (2) each on Kaua`i and Maui, and one (1) each on Lana`i and Moloka`i. See Figure I-1 for dates and places. They were announced twice in the official weekly “Hawaii State and County Public Notice” and in the Office of Environmental Quality Control’s “Environmental Notice.” Press releases were submitted to all major island newspapers, which resulted in mention of the meetings in nearly all of the papers. Articles either preceding or reporting on the meetings appeared in several papers. Postcard notices were sent to a CZM polluted runoff mailing list of over 1,200 people.

<u>Hawaii</u> October 25: Honoka`a October 26: Hilo October 27 Oceanview October 27: Kailua-Kona October 28: Kamuela <u>Kauai</u> November 2: Lihue November 3: Kilauea	<u>Lanai</u> October 19: Lanai City <u>Maui</u> November 9: Wailuku November 10: Lahaina <u>Molokai</u> October 20: Kaunakakai	<u>Oahu</u> October 18: Aina Haina October 21: Ewa Beach November 1: Kaneohe November 4: Aiea November 8: Haleiwa November 15: Waianae November 16: Hauula November 17: Palolo November 18: Makiki November 22: Mililani
---	--	--

Figure I-1: Schedule of Public Information Meetings for Draft *Hawaii's Implementation Plan For Polluted Runoff Control*

I.3.2 Comment Period

The official comment period initially ended December 15, 1999 but was later extended to January 5, 2000. As long as the *Implementation Plan* was still being finalized, however, all written comments were considered. The notes taken at the public information meetings were also reviewed, as well as the comments made at the PROF meetings (see next paragraph).

I.3.3 PROF meetings

PROF members were invited to participate in a series of fora, with topics based on the six categories of management measures, from January 10-13, 2000. These fora were open to other participants as well. While a few of the PROF members had attended the public information meetings in the fall, these fora gave many more representatives of agencies and organizations an opportunity to discuss the draft document which had been distributed to them in October 1999.

I.4 Finalization of *Implementation Plan*

This document represents the best efforts of the Hawaii CZM Program and the DOH-PRC Program to respond to the information and concerns shared by all those who commented during the review period. At the same time, it was necessary to give weight to the federal mandates and guidances the two programs are tasked to fulfill. As a result, it is likely that concerned parties will still either feel that the *Implementation Plan* is proposing to accomplish too much too quickly without allowing sufficient flexibility or too little too slowly without sufficient controls.

The State will review the actions proposed in Chapter 6 of the *Implementation Plan* in the final year of each five-year period and develop a revised set of implementing actions for public comment. This will give all concerned an opportunity to review and assess, revise and refine, and hopefully develop agreement on needed additional actions.

I.5 Conclusion

This document describes the goals, programs, and expected outcomes for polluted runoff control mechanisms statewide and the steps that the State will take over the next five years to control polluted runoff.

The DOH-PRC Program and the Hawaii CZM Program thank all the many partners, old and new, who have helped bring this document to fruition. We look forward to working with you, and others we do not yet know, to take actions that will improve the watersheds, streams, coastal and ocean waters of Hawai'i by controlling polluted runoff.

Table I-1
POLLUTED RUNOFF CONTROL IN HAWAII
 Federal Statutes and Guidance Documents; State Statutes and Planning Documents

Date Statute or Guidance Enacted	Federal/ State	Statute/ Guidance/ Planning Document	Title	Resulting Document or Action in Hawaii (date)	Implementing Agency
1972	F	S	Federal Water Pollution Control Act of 1972 (P.L. 92-500, Section 208), 33 U.S. Code §1288	<i>Technical Report No. 2: Nonpoint Source Pollution in Hawaii: Assessments and Recommendations.</i> Hawaii Department of Health. Technical Committee on Nonpoint Source Pollution Control. (1978)	DOH EPO ²
1972	F	S	Coastal Zone Management Act of 1972 (P.L. 92-583), 16 USC 1451 et. seq.	“Coastal Zone Management”, Chapter 205A, Hawaii Revised Statutes (1977)	CZM
1987	F	S	Federal Water Pollution Control Act of 1977 (P.L. 100-4, Section 319), 33 U.S. Code §1329	<i>Hawaii’s Assessment of Nonpoint Source Pollution Water Quality Problems and Hawaii’s Nonpoint Source Water Pollution Management Plan.</i> Hawaii Department of Health – prepared for the U.S. Environmental Protection Agency. (1990)	PRC
1990	F	S	Coastal Zone Act Reauthorization Amendments of 1990 (P.L. 101-508), 16 U.S. Code 1455b, Section 6217.	(see <i>Hawaii’s Coastal Nonpoint Pollution Control Program Management Plan</i> below)	
Key: F= Federal, S = State of Hawaii, G = Guidance, P = Planning document					

² EPO = Environmental Planning Office

Introduction

Date Statute or Guidance Enacted	Federal/ State	Statute/ Guidance/ Planning Document	Title	Resulting Document or Action in Hawaii (date)	Implementing Agency
1993	F	G	<i>Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters</i> , U.S. Environmental Protection Agency, Office of Water, Report 840-B-92-002	<i>§6217 in a Nutshell: Summary of the §6217 Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters</i> , Prepared by the Hawaii Coastal Zone Management Program (January 1993)	CZM
1993	F	G	<i>Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance</i> , U.S. Department of Commerce, National Oceanic & Atmospheric Administration and U.S. Environmental Protection Agency, Office of Water	<i>§6217 in a Nutshell: Summary of the §6217 Program Development and Approval Guidance</i> , Prepared by the Hawaii Coastal Zone Management Program (January, 1993)	CZM
1993	S	S	“Nonpoint Source Pollution Management and Control”, Chapter 342E, Hawaii Revised Statutes		PRC
Key: F= Federal, S = State of Hawaii, G = Guidance, P = Planning document					

Date Statute or Guidance Enacted	Federal/ State	Statute/ Guidance/ Planning Document	Title	Resulting Document or Action in Hawaii (date)		Implementing Agency
(see 1990 above)	S	P		<i>Hawaii’s Coastal Nonpoint Pollution Control Program Management Plan</i> (CNPCP), Hawaii Office of State Planning - prepared for the National Oceanic and Atmospheric Administration, U.S. Department of Commerce and U.S. Environmental Protection Agency. (1996)	CZM network agencies including PRC	
1996	F	G	<i>Nonpoint Source Program and Grants Guidance for Fiscal Year 1997 and Beyond</i> , U.S. Environmental Protection Agency	<i>Hawaii’s Nonpoint Source Management Program Update</i> (Preliminary Draft), Hawaii Department of Health with the Hawaii Coastal Zone Management Program (1999)	PRC, CZM	
1998	F	G	<i>Clean Water Action Plan: Restoring and Protecting America’s Waters</i> , U.S. Environmental Protection Agency and U.S. Department of Agriculture	<i>The Hawai`i Unified Watershed Assessment</i> , Hawaii Department of Health, Natural Resources Conservation Service, and Office of Planning (1999)	PRC, CZM, NRCS	
Key: F= Federal, S = State of Hawaii, G = Guidance, P = Planning document						

This page intentionally left blank.